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10 Attorneys for Federal Defendant  
11 United States of America

12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 Esvin Fernando Arredondo Rodriguez,  
15 individually and A.F.A.J., a minor, by  
her guardian ad litem, Jeffrey Hamilton,

16 Plaintiffs,

17 v.

18 United States of America,

19 Defendant.  
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No. 2:22-cv-02845-JLS-AFM

DEFENDANT'S OBJECTIONS TO  
PLAINTIFFS' AMENDED *DAUBERT*  
MOTIONS

Hearing Date: March 29, 2024  
Time: 10:30 a.m.

Honorable Josephine Staton  
United States District Judge

1 DEFENDANT’S OBJECTIONS TO PLAINTIFFS’ AMENDED *DAUBERT* MOTIONS

2 Federal Defendant United States of America hereby objects to Plaintiffs’  
3 Amended Motions to Exclude Defendant’s Experts (Dkt ## 156, 157), which Plaintiffs  
4 improperly filed without leave of Court after the deadline for filing such motions. On  
5 February 27, 2024, Defendant filed a request to strike Plaintiffs’ original *Daubert*  
6 Motions because of Plaintiffs’ complete failure to comply with Central District Local  
7 Rule 7-3. (Dkt # 152.) In the spirit of compromise, Defendant withdrew that Request  
8 because Plaintiffs agreed to extend the time for Defendant to oppose the Motions to  
9 March 12, 2024. (Dkt # 153.) But Plaintiffs then took that extra time away by filing  
10 amended motions containing nine additional exhibits, including excerpts from  
11 Defendant’s expert’s depositions transcripts, on Friday, March 8, 2024 on or about 9:30  
12 p.m., and for some of their amended filings, even later that night.

13 Plaintiffs’ late-filed amended motions were redacted, as were some of their  
14 exhibits. Plaintiffs have yet to provide counsel for Defendants with unredacted versions  
15 of these late-filed amended materials, even though Defendant’s oppositions to these  
16 Motions are due in just one more business day.<sup>1</sup>

17 As a putative ground for excusing their repeated failure to comply with the motion  
18 deadlines, Plaintiffs had claimed earlier that Defendant’s expert’s deposition transcripts  
19 were unavailable at the time they filed their original *Daubert* motions on February 23,  
20 2024. *See* Declaration of Linda Dakin-Grimm in Support of Plaintiffs’ Motion to  
21 Exclude Testimony and Report of Defense Expert Dr. June Hagen ¶ 9 (Dkt # 147);  
22 Declaration of Linda Dakin-Grimm in Support of Plaintiffs’ Motion to Exclude  
23 Testimony and Report of Defense Expert Dr. Bennett Williamson ¶ 9 (Dkt # 151.)

24 In their amended motions, however, Plaintiffs’ counsel have admitted that they  
25 obtained the transcript of Dr. Hagen’s deposition transcript on February 29, 2024, eight  
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28 <sup>1</sup> Adding to the confusion, Plaintiffs’ amended motions’ new exhibits bear the  
same exhibit letters as different exhibits found in their original motions.

1 days before filing their amended motion. *See* Second Declaration of Linda Dakin-  
2 Grimm in Support of Plaintiffs’ Motion to Exclude Testimony and Report of Defense  
3 Expert Dr. June Hagen ¶ 4. Plaintiffs’ counsel received the transcript of Dr.  
4 Williamson’s deposition transcript on February 26, 2024, 11 days before filing their  
5 amended motion. *See* Second Declaration of Linda Dakin-Grimm in Support of  
6 Plaintiffs’ Motion to Exclude Testimony and Report of Defense Expert Dr. Bennett  
7 Williamson ¶ 4.

8 Plaintiffs’ counsel could also have avoided these unfair last minute amended  
9 filings by ordering expedited transcripts for these depositions. Plaintiffs’ very large and  
10 wealthy law firm, Milbank LLC, can afford to litigate cases properly, as opposed to  
11 disregarding deadlines and claiming a lack of funds had compelled them to impose that  
12 prejudice on the Defendant. Furthermore, Plaintiffs have no justification for waiting so  
13 long to amend their motions until the late evening before the weekend, leaving  
14 Defendants only two more business days to address their new exhibits.

15 Under the circumstances, Defendant therefore respectfully requests that the Court  
16 strike the amended motions, or in the alternative, that the Court extend the hearing date  
17 of Plaintiffs’ *Daubert* motions to ameliorate the burden caused by Plaintiffs’ delayed  
18 amended filings. If Plaintiffs intended to file *Daubert* motions, it was incumbent upon  
19 them to meet and confer in compliance with Local Rule 7-3 well in advance of the filing  
20 deadline, to plan out the motions, and to only file meritorious and fully briefed and  
21 supported motions. Plaintiffs did not do so, instead attempting to argue the merits of  
22 their case through defective motions that did not comply with the Local Rules, and

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1 which Plaintiffs have unilaterally supplemented without leave of Court. The motions  
2 should be stricken accordingly.

3 Dated: March 11, 2024

Respectfully submitted,

4 E. MARTIN ESTRADA

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9 /s/ David Pinchas

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